## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA SAVANNAH DIVISION

GERIGA SCOTT,	)		
Petitioner,	),		
	).		
v.	)	Case No.	CV412-063
	)		
AL ST. LAWRENCE,	)		
D 1 4	).		
Respondent.	)		

## REPORT AND RECOMMENDATION

Geriga Soctt, a pre-trial detainee held at the Chatham County Detention Center while awaiting prosecution for a drug offense, see attached state court docket, petitions this Court for unspecified habeas relief under 28 U.S.C. § 2241. Doc. 1. Detained under a November 1, 2011 accusation, he insists that the state is violating his speedy trial and other rights. *Id.* at 1-6.

The Court **GRANTS** his motion to proceed *in forma pauperis* (doc. 5) but concludes that his petition must be dismissed. Pretrial § 2241 petitions must be exhausted. *Wilkinson v. Dotson*, 544 U.S. 74, 79 2005) (all habeas corpus actions "require a petitioner to fully exhaust state

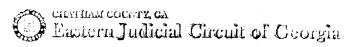
remedies"); Thomas v. Crosby, 371 F.3d 782, 812 (11th Cir. 2004) (Tjoflat, J., concurring) ("Among the most fundamental common law requirements of § 2241 is that petitioners must first exhaust their state court remedies."). Georgia law

allows pretrial detainees to raise each of these types of claims either during state criminal proceedings or collaterally in a state habeas corpus action. See Perera v. Miller, 283 Ga. 583, 662 S.E.2d 544, 544 (Ga. 2008) (noting that criminal defendants can bring speedy trial claim and ineffective assistance of counsel claims during the course of criminal proceedings); Jackson v. State, 279 Ga. 449, 614 S.E.2d 781, 783–84 (Ga. 2005) (ruling on speedy trial claim and due process claim based on preindictment delay; claims initially brought in motion for a new trial and reasserted on direct appeal); Rainwater v. Langley, 277 Ga. 127, 587 S.E.2d 18, 19–20 (Ga. 2003) (challenging pretrial detention in state habeas petition); Banks v. Waldrop, 272 Ga. 475, 531 S.E.2d 708, 708 (Ga. 2000) (holding that challenge to pretrial detention based on contention of improper denial of bail is properly brought in state habeas petition); McClure v. Hopper, 234 Ga. 45, 214 S.E.2d 503, 506 (Ga. 1975) (holding that claim based on denial of a timely first appearance may be cognizable in habeas corpus action).

Harvey v. Corbin, 2011 WL 4369828 at \* 2 (S.D. Ga. Aug. 12, 2011). As in Harvey, Scott "has not alleged, and there is nothing in the record to suggest, that he filed a state habeas petition challenging his pre-trial detention." Id. Therefore, his petition should be **DISMISSED** WITHOUT PREJUDICE so that he may exhaust available state remedies.

**SO REPORTED AND RECOMMENDED** this <u>2nd</u> day of May, 2012.

UNITED STATES MAGISTRATE JUDGE SOUTHERN DISTRICT OF GEORGIA



....

**Magistrate Court** 

**Probate Court** 

Superior Court

Juvenile Court

**Court Forms** 

Court Fees

April 25, 2012

Location: Case Details

State Court

Input your search...

0

CASE LOOKUP

income.

**Case Details** 

COURT FORMS

State VS. SCOTT, GERIGA NMN

Case Events

Proceedings

ChargesParties

COURT FEES

-**4** 

MAP & DIRECTIONS

JURY SERVICES

SITE SEARCH



 Case Information
 Defenda

 Court:
 Superior
 Name:

 Case Number:
 CR112412
 DIN:

Case Type: DRUGS - POSSESSION-F

Judge: JUDGE WALMSLEY
Assistant District Attorney: ARVO HENIFIN

 Date Filed:
 11/1/2011

 Status:
 ACTIVE

Next Event: 5/14/2012 PLEA HEARING

Attorney Information

Attorney Information
L NICOLE KING

**Defendant Information** 

Name: SCOTT, GERIGA NMN

DIN: X0020435

Gender: MALE

Race: AFRICAN AMERICAN

Height: 73
Weight: 160

Eyes: BROW

Hair:

BROWN BLACK

Defendant History

Click for large Picture

600

Chatham County Sheriff X0020435

Bondsman Information

N/A

Case Events

case Events				
Date	Time	Code	Judge	Action
5/14/2012	11:00AM	PLEA HEARING	WALMSLEY	
4/2/2012	11:00AM	PLEA HEARING	PERRY BRANNEN, JR.	
2/13/2012	11:00AM	PLEA HEARING	PERRY BRANNEN, JR.	RESCHEDULE EVENT
11/21/2011	10:00AM	CALENDAR CALL	PERRY BRANNEN, JR.	

[Return to Top]

Charges

Charge	Description	Counts	Severity	Charge Date	Disposition
16-13-30(J)	POSS MARIJUANA WITH INTENT TO DISTRIBUT	1	FELONY	8/11/2011 2:10:14 PM	

[Return to Top]

Proceedings

rioceeuing	<b>,</b> 3				
5/14/2012	11:00AM	PLEA HEARING		WALMSLEY	
4/2/2012	11:00AM	PLEA HEARING		PERRY BRANNEN, JR.	
2/14/2012		NOTES			**NICOLE KING RETAINED PER ADA IN OPEN COURT AND PUBLIC DEF OFFICE/
2/13/2012	11:00AM	PLEA HEARING	RESCHEDULE EVENT	PERRY BRANNEN, JR.	
2/10/2012		ENTRY OF APPEARANCE			L NICOLE KING- 1810 ABERCORN ST SAV GA 31401 480-1440/
2/1/2012		ORDER	7		ORDER ON DEFS PRO SE MOTION STRICKEN/

1/25/2012		PRO SE MOTION	STRICKEN		DEMAND TO DISMISS CHARGES/
1/25/2012		PRO SE LETTER RECEIVED AND CLERKS RESPONSE			
1/13/2012		PRO SE LETTER RECEIVED AND CLERKS RESPONSE			
11/21/2011	10:00AM	CALENDAR CALL	100.0	PERRY BRANNEN, JR.	
11/15/2011		CONSOLIDATED MOTIONS PACKAGE			
11/2/2011 8:09:49 AM		SCREENING	:		INITIAL CASE SCREENING / SCANNING
11/1/2011		ACCUSATION FILED - ENTERED		100000000000000000000000000000000000000	

[Return to Top]

Home | Magistrate Court | Probate Court | State Court | Superior Court | Juvenile Court | Court Forms | Court Fees

© Copyright 2012 - Chatham County Courts